

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83549 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- Excise P.S. District- Rohtas

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Adarsh Kumar D/o Chandrama Seth @ Chandrama Soni R/o Village- Paraiya,
P.S.- Baghaila, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv

For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-12-2024 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The petitioner seeks bail in connection with

Excise P.S. Case No. 99 of 2023 registered for the offences

under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The petitioner is named in the F.I.R. being

owner of motorcycle with registration no. BR 24 AD 9182.

4. The allegation against the petitioner is to be

engage in illegal trading/manufacturing of illicit liquor, where,

there is recovery of 18 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner implicated with the present case only being owner of the motorcycle bearing registration no. BR 24 AD 9182. It is pointed out that he provided his motorcycle to his friend in good faith for his family work, who is Chhotu Kumar @ Gyan Prakash, who is also accused in this case. It is admitted that recovery was not made from conscious physical possession of the petitioner, who is a man of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

7. In view of the facts and circumstances as mentioned above as recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, where implication appears only being owner of motorcycle bearing registration no. BR 24 AD 9182, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned Exclusive Special Judge, Excise Court No. 1, Rohtas at Sasaram/concerned Court below where the case is pending in connection with Excise P.S. Case No. 99 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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